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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,166	01/28/2004	John E. Hoots	7752	5516

7590 04/18/2005

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EXAMINER

LARKIN, DANIEL SEAN

ART UNIT	PAPER NUMBER
2856	

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

FE

Office Action Summary	Application No. 10/767,166	Applicant(s) HOOTS ET AL.	
	Examiner Daniel S. Larkin	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 11-13 is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☒ Claim(s) 4,5,7-10 and 14-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
Page 9, line 20: A -- colon -- should be inserted after the term "of".
Page 14, line 30: A -- colon -- should be inserted after the term "of".
Page 17, line 2: A -- colon -- should be inserted after the term "of".
Page 23, line 5: The term "occur" should be corrected to read -- occurring --.
Appropriate correction is required.

Claim Objections

2. Claims 4-10 and 14-19 are objected to because of the following informalities:
Re claim 4, claim line 1: A -- colon -- should be inserted after the term "of".
Re claim 5, claim line 1: A -- colon -- should be inserted after the term "of".
Re claim 7, claim line 2: A -- colon -- should be inserted after the term "of".
Re claim 14, claim lines 1 and 3: A -- colon -- should be inserted after the term "of". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 6, claim lines 2 and 3: The listing of the brand names is indefinite because specific models are recited which tend to be relabeled or discontinued over time thus making the claim unclear as to the scope of the claim. Additionally, one is unclear as to whether other fluorometers from different manufacturers would provide the same detecting features as the listed fluorometers. Applicants are encouraged to replace the product listing with the type or generic names for the brand name fluorometers.

Allowable Subject Matter

5. The following is an examiner's statement of reasons for allowance:

Prior art was not relied upon to reject claims 1- because the prior art fails to teach and/or make obvious the following a method of detecting an compensating for leakage of hydraulic fluids in a production plant comprising the steps of: providing a production plant wherein at least one hydraulic fluid is in use; adding to said hydraulic fluid, two tracer materials, wherein fluorescent signals of each of first and second tracers are individually detectable in said hydraulic fluid, and the fluorescent signals of each of the

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first and second tracer are individually detectable in said water that is collected and circulated through the production plant cooling water system; and providing one or more fluorometers capable of detecting the fluorescent signal of the first and second tracers in combination with all of the remaining limitations of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art to US 2005/0019934 (Duerr) discloses a blended dye for use in identifying leaks in a coolant system, whereby the blended dye is comprised of two distinct tracer materials adapted to fluoresce at differing wavelengths.

The art to WO 2004/025240 discloses a method of detecting leakage in a heat exchanger comprising circulating two distinct tracers on opposite sides of the heat exchanger.


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Larkin whose telephone number is 571-272-2198. The examiner can normally be reached on 8:00 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Larkin
AU 2856
13 April 2005


DANIEL S. LARKIN
PRIMARY EXAMINER